

2013 Montana Legislature
Senate Bill # 143
Introduced by J. Bernden (R)

Testimony of Jim Posewitz, Helena
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Should Senate Bill 143 pass this legislature it will be a significant historical landmark. It will mark the point where Montana's wildlife conservation ethic, held since our territorial years, was jammed into a shuddering reverse.

The conservation ethic of our legislature stretches back to brothers James and Granville Stuart. These men were pioneer ranchers, miners and statesmen who entered Montana 52 years after Captains Lewis and Clark. When the first Territorial Legislature convened they were members and they came with a fish and wildlife conservation ethic. James won passage of legislation protecting fish by restricting harvest to hook and line fishing. It's noteworthy that this legislation became Montana law 12 years before Custer bit the dust at the Little Big Horn.

As early as **1872**, Granville Stuart championed legislation providing some closed season protection for "... **mountain buffalo, moose, elk, black-tailed deer, white-tailed deer, mountain sheep, white Rocky Mountain goat, (and) antelope**"¹ All through Montana's territorial years the Stuarts led efforts to curb the commercial carnage of fish and wildlife, there was however, little means of enforcing what Stuart fought for so valiantly. At one point a frustrated Granville wrote: "**If the legislature does not enact some laws in regard to game and fish, there will not be in a few years so much as a minnow or a deer left alive in all the territory.**"²

Granville Stuart left a dramatic account of the change in wildlife writing: "**In 1880 Thousands of buffalo darkened the rolling plains. There were deer, antelope, elk, wolves, and coyotes on every hill and in every ravine and thicket In the fall of 1883 there was not one buffalo remaining on the range and the antelope, elk, and deer were indeed scarce.**"³ It was wildlife's darkest hour. We had become the bone yard of a resource Captains Lewis and Clark described as "...**an aggregation of wildlife, ... , that for number and variety exceeded anything the eye of man ever looked upon.**"⁴

A Montana wildlife conservation ethic however was held by the people and they, through their legislators, asserted that ethic through the years. In fact this 2013 session marks the 100th

¹ Brownell, Joan Louise. *The Genesis of Wildlife Conservation in Montana*. Master of Science Thesis, Montana State University. May 1987.

² Ibid.

³ Granville Stuart. *Pioneering in Montana: The Making of a State, 1864-1887*, edited by Paul C. Phillips, University of Nebraska Press, Lincoln and London. Copyright 1925 by Arthur H. Clark Company. First Bison Book printing, 1977.

⁴ F. A. Silcox, Opening Remarks, Proceedings of the North American Wildlife conference (Taking the Place of the Twenty-Second American Game Conference, February 3-7, 1936, U.S. Government Printing Office, Washington: 1936.

anniversary of State Senator T.O. Larsen (R) from Choteau introducing and seeing to passage a Bill to create the Sun River Game Preserve to promote wildlife recovery. The Bill passed the Senate on a vote of 26 to 0 and the House 62 - 2. Governor Sam V. Stewart (D) signed the Bill.⁵ There obviously was a legislative conservation ethic in 1913 and it was clearly beyond political party ideology.

Now, a century later, we have a new wildlife abundance and elect to call ourselves "*The Last Best Place*." That identity fits because of the fish and wildlife that has been restored and nurtured since James and Granville Stuart pointed us toward the higher ground. Today, we stand poised and capable of topping off this conservation legacy by adding the one species that paid the highest price in this epic struggle of wildlife restoration. The Montana people clearly support a modest level of wild buffalo restoration. However, Senate Bill 143 of the 2013 Montana Legislature, simply says kill them all – anyone, on any day – kill them all.

In 1872 our Territorial Legislature found the liquidation of buffalo shameful. Exactly a century ago the 1913 Montana State Legislature gave overwhelming approval to the quest for a better way, a more profound relationship with Montana wildlife. It would be shameful indeed to observe the centennial of that 1913 commitment to conservation with legislation of liquidation – Senate Bill 143. We need to listen to and heed the counsel of our forefathers. We need to demand a resounding no vote on Senate Bill 143.

⁵ A Bill for an Act entitled: "An Act to establish a game preserve in the Rocky Mountains, for the Protection of Game Animals and Birds, and Providing a Penalty for Killing, Hunting or Pursuing any such Animals in such Preserve Senate Journal 13th Session, 1913, Montana..